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REED SMITH LLP
A limited liability partnership formed in the State of Delaware

14
15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17

18 ISMAEL LOPEZ and ANGELA
19 VILLAREAL,
20 Plaintiffs,
21 vs.
22 MERCK & CO., INC., and DOES 1-10,
23 Defendants.
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No. C 05-03130 JSW

STIPULATION AND [PROPOSED] ORDER
STAYING PROCEEDINGS PENDING
TRANSFER TO *IN RE VIOXX PRODUCTS
LIABILITY LITIGATION, MDL NO. 1657*

1 The parties, by and through their counsel, stipulate to and respectfully request a stay of all
2 proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability*
3 *Litigation*, MDL No. 1657.

4

5 Plaintiffs allege personal injuries and loss of consortium attributed to the prescription drug
6 VIOXX®. Defendant Merck & Co., Inc. ("Merck") manufactured and distributed VIOXX®, but
7 voluntarily withdrew VIOXX® from the market on September 30, 2004.

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9 On February 16, 2005, the Judicial Panel on Multidistrict Litigation ("JPML") issued an
10 order transferring 148 VIOXX®-related cases to the United States District Court for the Eastern
11 District of Louisiana for coordinated pretrial proceedings under 28 U.S.C. § 1407. Merck intends to
12 seek the transfer of this action to that Multidistrict Litigation, *In re VIOXX Products Liability*
13 *Litigation*, MDL No. 1657, and will provide the JPML with notice of this action pursuant to the
14 procedure for "tag along" actions set forth in the rules of the JPML. A stay will potentially conserve
15 judicial resources and will not cause unfair prejudice to the parties. *See Rivers v. Walt Disney Co.*,
16 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (stay pending MDL transfer decision action would further
17 judicial economy because "any efforts on behalf of this Court concerning case management will
18 most likely have to be replicated by the judge that is assigned to handle the consolidated litigation").

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Based on the foregoing, the parties respectfully request that the Court stay this action pending its transfer to MDL No. 1657.

DATED: August 3, 2005.

REED SMITH LLP

By Dana Stanton for

Steven J. Boranian
Attorneys for Defendant
Merck & Co., Inc.

DATED: August 9, 2005.

FURTADO JASPOVICE & SIMMONS

By Richard J. Simons
Richard J. Simons
Attorneys for Plaintiffs
Ismael Lopez And Angela Villareal,

ORDER

Having considered the foregoing stipulation and good cause appearing therefore, IT IS SO ORDERED.

DATED: August 26, 2005

Jeffrey S. White
United States District Judge